

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shutterfly Lifetouch LLC,

Court File No. 21-CV-2234

Plaintiff,

v.

NOTICE OF REMOVAL

Robert Locke,

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Robert Locke hereby removes the civil action entitled *Shutterfly Lifetouch LLC v. Robert Locke*, from the Minnesota District Court for the Fourth Judicial District, where it is now pending, to the United States District Court for the District of Minnesota. In support of removal, Mr. Locke states the following:

1. On September 2, 2021, Plaintiff Shutterfly Lifetouch LLC (“Shutterfly Lifetouch”) filed this action in Minnesota State District Court for the Fourth Judicial District, County of Hennepin, Court File No. 27-CV-21-10794.

2. On September 28, 2021, Shutterfly Lifetouch’s counsel transmitted an Acknowledgment of Service form and requested that the undersigned counsel accept service of the Summons, Complaint, and state Civil Cover Sheet on behalf of Defendant Robert Locke, which the undersigned returned executed on October 11, 2021.

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Mr. Locke in the state court action are attached hereto as Exhibits A–C.

4. This Notice of Removal is filed within 30 days of October 11, 2021, and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

5. Removal is proper because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 excluding interest and costs. 28 U.S.C. §§ 1332(a), 1441(a).

DIVERSITY JURISDICTION

6. Defendant Robert Locke is a North Carolina citizen.

7. Plaintiff Shutterfly Lifetouch is a Minnesota limited liability company with its principal place of business located in Minnesota. Compl. ¶ 1.

8. Upon information and belief, Shutterfly Lifetouch's sole member is Shutterfly, LLC, a Delaware limited liability company with its principal place of business located in California.

9. Upon information and belief, Shutterfly, LLC's members are Apollo Global Management, Inc., a Delaware corporation with its principal place of business located in New York, and District Photo, Inc., a Delaware corporation with its principal place of business located in Maryland.

10. Upon information and belief, complete diversity exists between Plaintiff Shutterfly Lifetouch and Defendant Locke, and Plaintiff's counsel confirmed prior to this

removal that they did not anticipate that Plaintiff would contest that complete diversity exists between the parties.

11. Plaintiff seeks damages, attorneys' fees, and injunctive relief exceeding the \$75,000 amount-in-controversy requirement provided in 28 U.S.C. § 1446(c)(2)(A). *See, e.g.,* Compl. ¶ 35, Prayer for Relief.

CONSENT

12. Because Mr. Locke is the only defendant in this action, the consent requirements of 28 U.S.C. § 1446(b)(2)(A) have been satisfied.

NOTICE

13. Mr. Locke will promptly file a copy of this notice with the clerk of the state court where this action is pending.

14. This Notice of Removal is being served upon Shutterfly Lifetouch's counsel.

15. This matter is removed without any intent to waive any objections to jurisdiction and venue that Mr. Locke may have, which are expressly reserved.

WHEREFORE, in accordance with the authorities set forth above, Mr. Locke hereby removes this action from the District Court of Hennepin County, Minnesota, to the United States District Court for the District of Minnesota.

Dated: October 11, 2021

SPENCER FANE LLP

By: /s/ Randi J. Winter

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